

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits- Arbitration- Sanction of an amount of Rs. 14,95,000/-towards balance decretal charges to be deposited to the credit of O.P. No. 5/2001 on the file of the First Senior Civil Judge City Civil Court Hyderabad in respect of the work relating to " Excavation of YLM Canal from Km. 107.67 to Km. 113.30 including lining" was entrusted to Sri Kehar Singh, Contractor vide Agreement No. 12/1981-82 dt. 18.06.1981 –Orders Issued.

IRRIGATION&CAD (IW: ARBITRATION) DEPARTMENT

G.O Ms.No 75

Dated:16.05.2012
Read the following

From the E-N-C(Irrigation),Irrigation & CAD Deptt, Errumunzil, Hyderabad
Lr.No. .ENC (1) / DCE (GDS) / OT2//AEE2//F.37/2011, dt.17-11-2011.

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ORDER

The Engineer-in-Chief (Irrigation), Irrigation & CAD, department Hyderabad, in his letter read above, has reported that the work relating to " Excavation of YLM Canal from Km. 107.67 to Km. 113.30 including lining" was entrusted to Sri Kehar Singh, Contractor vide Agreement No. 12/1981-82 dated 18.6.1981. Certain disputes had arisen between the Contractor and department and the matter was referred to the Sole Arbitrator, Sri N. Krishna Murthy. The Sole Arbitrator in his Award dt. 23.9.1998 has held that the claimant is awarded an amount of Rs. 1,02,04,098/- together with interest @ 18% P. A on the principal a sum of Rs. 30,27,000/- at 18% p.a from the date of award till the date of decree or realization which ever is earlier, besides the amount of Rs. 52,500/- which the claimant paid for the Respondent share of fee and Secretarial expenses. The department has filed O.P.No. 108/99 to set aside the above Award and the Contractor has also filed O.P. No. 1087/1999 for making the award as Rule of the Court. Subsequently, both the above O.Ps were renumbered as O.P.No. 4/2001 and 5/2001 and were transferred to the First Senior Civil Judge, City Civil Court, Hyderabad. The Court in its common Judgment in O.P. No.4 of 2001 and O.P.No. 5 of 2001 dated 23.4.2003 has partly allowed the O.P. No. 5/2001 filed by the Contractor with certain conditions and dismissed the O.P. No. 4/2001 filed by the department. The Contractor has filed CMA No. 3693/2003 and the department has also filed CRP No. 7005/2003 before the Hon'ble High Court against the orders of the Trial Court in O.P. No. 5/2001. The department has also filed CMA No. 38/2007 before the Hon'ble High Court against the orders of the trial Court in O.P. No. 4/2001. The Hon'ble High Court of A.P., in its common Judgment in CMA Nos. 3693/2003, 38/2007 & CRP No. 7005/2003 dt. 29.4.2010 has partly allowed CMA NO. 38/2001 and CRP No. 7005/2003 filed by the employer and set aside the award made by the Arbitrator under claim Nos. 2(A) and 8(A) which is made rule of court by the Civil Court in O.P. No. 5/2001 and confirmed rest of the award. Consequently, the High Court has dismissed CMA No. 3693/2003 filed by the Contractor.

2. In pursuance of the above common judgment of the Hon'ble High court of A.P., dated 29.4.2010, the Contractor is entitled for an amount of Rs. 29.54 lakhs and out of which an amount of Rs. 15.00 lakhs has been deposited in 1st Senior Civil Judge City Civil Court, Hyderabad against the EP. No 101/2003 in O.P. No. 5/2001 on 22.01.2005.

P.T.O.

3. The ENC (I) I & CAD Dept., has requested the Government to accord sanction for an amount of Rs. 14,95,000/- towards balance decretal amount to be deposited in the respective Court against EP NO. 107/2010 in OP. NO. 5/2001.

4. Government after careful examination of the above matter, hereby accord sanction for an amount of Rs. 14,95,000/- (Rupees Fourteen lakhs Ninety five thousand only) towards balance decretal charges to be deposited to the credit of O.P. No. 5/2001 on the file of the First Senior Civil Judge, City Civil Court, Hyderabad in respect of the work relating to " Excavation of YLM Canal from Km. 107.67 to Km. 113.30 including lining" was entrusted to Sri Kehar Singh, Contractor vide Agreement No. 12/1981-82 dt. 18.06.1981

5. The amount sanctioned in para (4) above shall be debitable to the detailed Head of Account Under "4700-COL ON M&MI;01-MI;MH-116 YRS;11 NSP; SH-(27) C&D;530-Major works;531-OE (Charged). "

6. The Engineer-in-Chief (Irrigation) Irrigation & CAD, Hyderabad is therefore directed to deposit the above sanctioned decretal amount in the respective Court to the credit of O.P. No. 5/2001 for avoiding further legal complications in EP No. 107/2010 pending before First Senior Civil Judge, City Civil Court, Hyderabad.

7. This order issues with the concurrence of Finance (W&P) Department vide their U.O. No. 352/F7 (A1)/12-1, dated. 7.2.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRAPRADESH)

AJOYENDRA PYAL
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (Irrigation), Irrigation & CAD, Deptt Hyderabad
The Superintending Engineer Irrigation Circle, Dowleshwaram
The Accountant General, A.P. Hyderabad.
The Director of Works Accounts, A.P Hyderabad.
The District Treasury Officer, Kakinada East Godavari
The Pay and Accounts Officer, Kakinada, East Godavari
Copy to
The P.S to Prl. Secretary to C.M.
The P.S. to Minister (M& MI)
The P.S to Special Chief .Secy. to Govt., (I) Department.
The Finance (W&P) Department
The Law (B)Department
The I & CAD (P&B) Department.
S.F/ S.C

//FORWARDED BY ORDER//

SECTION OFFICER